



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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MEMORANDUM

Date: July 22, 2015
To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment
From: Emily Edwards, Planning Intern
Subject: **Steven and Amanda Venezia (petitioner) and Maverick Development Corp., Inc. (owner)** – Special Exception under Section 2.02.1(B)(2) of the Zoning Ordinance to permit an Accessory Dwelling Unit (ADU) The Parcel is located at 2 Hamilton Court in the R (Residential) District. Tax Map 6D, Lot 047-06. Case # 2015-23.

The following information is provided to aid in your consideration of the above referenced case. Additional background, and application materials, is included in your packet.

Background:

The petitioner seeks to build a new home with space to accommodate 999 sq. ft. of heated living space for use as an Accessory Dwelling Unit (ADU), as well as a 3 car garage at 2 Hamilton Court (lot is currently vacant). According to the petitioner's floor plan, the ADU will consist of one bedroom, bath, living room, kitchen, dining room, and a den with an internal connection to the Principal Dwelling Unit (PDU) via a hallway off of the garage. Pursuant to Section 2.02.1(B)(2) of the Zoning Ordinance, the petitioner seeks a Special Exception. The subject property is located at 2 Hamilton Court (Tax Map 6D, Lot 047-06) in the R (Residential) District. The lot contains approximately 0.6 acres and is proposed to be serviced by municipal water and sewer.

According to the petitioner's Building Permit Application, the proposed Principal Dwelling Unit will be 2,500 sq. ft.. The PDU will be two stories and will have 3 bathrooms. The petitioner's application indicates 999 sq. ft. of heated living space within the ADU. Based on this information the ADU represents approximately 39% of the heated living space of the proposed PDU. The ADU is proposed to be located on the lower level.

According to the application there will be adequate parking in the proposed three car garage and the driveway. The ADU will not be provided with separate utilities and will have internal access; therefore it will remain functionally dependent upon the PDU.

Standard of Review:

It is the burden of the Petitioner to demonstrate, to the satisfaction of the Board, that the conditions for the granting of a Special Exception, under Section 2.02.1(B)(2) of the Zoning Ordinance, have been satisfied:

- a) The ADU is contained within or will be an addition to an existing or proposed single family detached dwelling;

- b) The ADU contains no more than one bedroom;
- c) The ADU does not exceed 1,000 square feet in area, or fifty percent (50%) of the area of heated living space within the principal dwelling unit in the area, whichever is smaller;
- d) The ADU is connected internally to the principal dwelling unit;
- e) The ADU occupancy is to be restricted to family members only, with the term “family” defined as individuals related by blood, marriage, or adoption to the fee simple owner-occupant(s) of the principal dwelling unit; and
- f) The ADU is designed to remain functionally dependent on the principal unit and will not have provisions for separate utilities, garages, driveways, yard and other similar amenities.

It is also the burden of the petitioner to demonstrate that the conditions for the granting of a Special Exception, from a-d only of Section 2.02.1(B)(1) of the Zoning Ordinance, have been satisfied:

- a.) The specific site is an appropriate location for such a use or uses in terms of overall community character development.
- b.) The use as developed will not adversely affect the neighborhood and shall produce no diminution of real estate values in the neighboring area.
- c.) There will be no nuisance or serious hazard to vehicles or pedestrians.
- d.) That an adequate parking area is provided for motor vehicles on the premises.

Please also note that it has been the policy of the Board to require the recording of customary covenants regarding occupancy of the ADU by family members, as a condition of the Board’s approval.

Should the Board vote to grant the request for the Special Exception, Staff recommends that approval be conditioned upon the following:

1. Execution of Declaration of Covenants for the Accessory Dwelling Unit (form will be provided by Staff);
2. Payment of the Hillsborough County Registry of Deeds recording fee for recording of the Declaration of Covenants for the Accessory Dwelling Unit.

Ec: Steven and Amanda Venezia, Applicants
Maverick Development Corp., Inc., Owner
Carol Miner and Fred Kelley, Building Department
Captain John Manuele, Merrimack Fire Department
Kyle Fox, P.E, Public Works Department

Cc: File
Correspondence